

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ADELINA GARCIA, et al.,

Plaintiffs,

v.

Case No. 06-2198-JTM

TYSON FOODS, INC. and
TYSON FRESH MEATS, INC.,

Defendants.

MEMORANDUM AND ORDER

Before the court is plaintiffs' unopposed Motion for Approval of Proposed Plan of Allocation (Dkt. 1133) of the judgment awarded for claims relating to defendants' Finney County, Kansas, facility. Plaintiffs now move for approval of their proposed plan of allocation, which would make the judgment in this case final.

A judgment awarding damages to a class is not finally decided until such judgment provides for the allocation of damages among the class members and the disposition of any unclaimed funds. *Strey v. Hunt Int'l Res. Corp.*, 696 F.2d 87, 88 (10th Cir. 1985). Plaintiffs' proposed plan (Dkt. 1133) satisfies the requirements set forth in *Strey*. For good cause shown, the court approves plaintiffs' allocation plan.

The Third-Party Administrator and Class Counsel are directed to proceed with the allocation and distribution of the judgment funds to the FLSA Opt-In plaintiffs and Rule 23 State Law Class as provided in plaintiffs' allocation plan. The Third-Party Administrator and Class Counsel shall report to the court from time to time to advise

the court of their progress in discharging responsibilities of allocation under this Order, on such occasions and at such intervals as the Third-Party Administrator and Class Counsel may deem appropriate or as directed by the court.

The court's entry of judgment (Dkt. 1046), as amended (Dkt. 1098), is further amended by the approval of the plan of allocation (Dkt. 1133), representing a final judgment in this matter.

IT IS ACCORDINGLY ORDERED this 2nd day of April, 2015, that plaintiffs' Motion (Dkt. 1133) is GRANTED.

s\ J. Thomas Marten
J. THOMAS MARTEN, JUDGE